

MAR. 6. 2009 1:27PM

312 616 5700

NO. 6915 P. 1/3

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**FACSIMILE COVER SHEET**

DATE: MARCH 6, 2009

NUMBER OF PAGES (INCLUDING  
THIS TRANSMITTAL COVER SHEET): 3

TIME:

YOUR REFERENCE: 09/449,912

OUR REFERENCE: 202232

TO: BOARD OF PATENT APPEALS  
& INTERFERENCES

TO: USPTO CENTRAL FAX

TELEPHONE NUMBER:

FACSIMILE NUMBER: ((571) 273-0299

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FROM: MARK JOY

DIRECT LINE: (312) 616-5673

MESSAGE: APPEAL No. 2009-1000  
APPLICANT: NICK P. DIVITTORIO

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UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

LEYDIG VOIT & MAYER LTD  
TWO PRUDENTIAL PLAZA SUITE 4900  
180 NORTH STETSON  
CHICAGO, IL 60601-6780

Appeal No: 2009-1000  
Appellant: NICK P. DIVITTORIO  
Application No: 09/449,912  
Hearing Room: A  
Hearing Docket: B  
Hearing Date: Thursday, April 23, 2009  
Hearing Time: 09:00 AM  
Location: Madison Building - East Wing  
600 Dulany Street, 9th Floor  
Alexandria, Virginia 22313-1450

NOTICE OF HEARING  
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (571) 273-8300

BPAI Mailing Address: BOARD OF PATENT APPEALS AND INTERFERENCES  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: ☒ Telephonic (see attached) ☐ HEARING ATTENDANCE CONFIRMED ☐ HEARING ATTENDANCE WAIVED

Signature of Attorney/Agent/Appellant

3-6-09  
Date

35,562  
Registration No.

Names of other visitors expected to accompany counsel: \_\_\_\_\_

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see  
[http://www.uspto.gov/wcl/offices/dcom/ccounsel/contact.htm#bpa\\_contacts](http://www.uspto.gov/wcl/offices/dcom/ccounsel/contact.htm#bpa_contacts)

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Patent Application No. 09/449,912

Appeal Brief No. 2009-1000

Confirmation No. 6873

Applicant: Divittorio

Filed: December 2, 1999

TC/AU: 2195

Examiner: Kenneth Tang

Docket No.: 202232 (Client Reference 00,032 US)

Customer No.: 23460

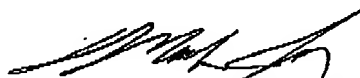
**REQUEST FOR TELEPHONIC HEARING**

Mail Stop Appeal Brief – Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Hearing dated February 26, 2009, and scheduled for Thursday, April 23, 2009 at 9:00 a.m., Appellants hereby request a telephonic hearing.

Respectfully submitted,



Mark Joy, Reg. No. 33,562  
LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza  
180 North Stetson Ave., Suite 4900  
Chicago, Illinois 60601-6731  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

Date: March 6, 2009